

March 8, 1974

The Honorable John J. Sirica
Chief Judge
U. S. District Court for the
District of Columbia
U. S. Courthouse
Washington, D. C. 20001

Dear Judge Sirica:

At its meeting on Thursday the Committee on the Judiciary of the House of Representatives agreed unanimously to authorize and direct me respectfully to request that you provide the Committee the materials delivered to you last Friday by the Grand Jury.

On February 6, 1974, the House, by a vote of 410 to 4, authorized and directed the Committee on the Judiciary "to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America." A copy of that resolution, (H. Res. 803), is enclosed.

In the floor debate that preceded the vote on that resolution I explained that the purpose of the resolution was to empower the Committee to exercise in any and every case the full, original, and unqualified investigative power conferred upon the House by the Constitution. (Congressional Record - House, February 6, 1974, Page H 528.)

Last Friday the Grand Jury presented to you, as Chief Judge for the District Court, District of Columbia, two documents and a brief case. Prior to acting on its resolution, the Judiciary Committee had been informed, on the basis of public reports and disclosures in open court on the previous day that this material included a two-page grand jury report. These have all been placed under seal by the Court. On Wednesday it was stated in open court by Mr. Lacovara, Counsel to the Special Prosecutor, that the Grand Jury had requested that the material be transmitted to the House of Representatives, as necessary to its carrying out its impeachment inquiry. (Daily Transcript, Pages 78, 79, 84 and 85.)

During the same bearing the Special Prosecutor, by Mr. Lacovara, advised the Court, in light of the President's directive to turn over to the House Judiciary Committee all materials which he turned over to the Special Prosecutor, that these materials are not necessarily coterminous with the content of what the Grand Jury has asked this Court to transmit to the House Judiciary Committee. (Daily Transcript, Page 79.)

The unanimous resolution of the Judiciary Committee reflects the Committee's view that in constitutional terms it would be unthinkable if this material were kept from the House of Representatives in the course of the discharge of its most awesome constitutional responsibility.

Our Constitution intended that matters of such overwhelming national significance as the current ongoing impeachment inquiry should be decided on the basis of the best available evidence and the fullest possible understanding of the facts. Were the House to act in this impeachment inquiry without having had the opportunity to take this grand jury material into account, I fear that each House member, and, in fact, the entire country, would experience an enormous lack of confidence in our constitutional system of government.

Pending presentation of the results of the impeachment inquiry, all material received by the inquiry staff will be held strictly in accordance with confidentiality procedures adopted by the Judiciary Committee on February 22, 1974. A copy of those procedures is enclosed. The Committee, in adopting those procedures, has determined that they afford the strictest limitation that can be imposed responsibly on materials received by the inquiry staff, consistent with proper discharge of the Committee's constitutional duty.

The Committee has been proceeding and will continue expeditiously with its impeachment inquiry in a manner that takes fully into account the interests of individuals and the orderly conduct of other governmental processes. Central to the Committee's procedure, however, and to our system of government, is the essential, dominant responsibility and power reposed by the Constitution in the House alone.

Mr. Doar and Mr. Jenner have reported to the Committee your question of Wednesday whether it might be feasible to defer the impeachment inquiry until after the September 9 trial date you have set for the pending indictments. The Committee has asked me to report to you that it is in no respect possible for the Committee and the House of Representatives now to suspend for any period of time their present

The Honorable John J. Sirica

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pursuit of their constitutional responsibility. The House and the Judiciary Committee are under a controlling constitutional obligation and commitment to act expeditiously in carrying out their solemn constitutional duty.

Sincerely,

PETER W. RODINO, JR.
Chairman

Enclosures

/bf

United States Court
for the District of Columbia

Committee of
John B. Sirica
and others

March 8, 1974

The Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Congress of the United States
Washington, D.C.

Dear Mr. Chairman:

I am in receipt of your letter dated March 8, 1974 requesting, on behalf of the House Judiciary Committee, that I provide the Committee with materials delivered to the Court last Friday by the June 5, 1972 grand jury of this district.

As you may be aware, this matter is currently sub judice. I shall be pleased to reply to your request once a decision is reached by me in the near future.

Sincerely

John Sirica

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THE WHITE HOUSE

WASHINGTON

March 7, 1974

Dear Judge Sirica:

In the event that it is finally determined that the report of the grand jury and the materials submitted to the Court in connection therewith should be made available to the Committee on the Judiciary, United States House of Representatives, I request, on behalf of the President of the United States, the right to review the report and other materials and to copy same if I deem any to be relevant. It would seem that this request is in accordance with the concept of fundamental fairness and, at least by analogy, with the statutory requirement set forth in 18 U.S.C. 3333(c)(1).

I am forwarding a copy of this letter to Mr. John Doar, Special Counsel for the Committee on the Judiciary, United States House of Representatives, with the hope that he will advise Your Honor that he has no objection to the granting of this request.

Sincerely yours,

James D. St. Clair
James D. St. Clair
Special Counsel to the President

The Honorable John J. Sirica
Room 2428
United States Courthouse
Third and Constitution Avenue N.W.
Washington, D.C.

cc: Mr. John M. Doar